

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

LISA FORSELL PERRY and)
GEORGE WELCH PERRY,)
)
Plaintiffs,)
)
v.) No. 1:04-CV-195
)
KELLY HERD, individually, and) Judge Curtis L. Collier
KELLY HERD d/b/a GOLD CREATIONS,)
and KELLY HERD, LLC, a Tennessee)
Limited Liability Company)
)
Defendants.)

ORDER

On October 14, 2004 the Court entered a scheduling order (Court File No. 8). The scheduling order stated as follows: "Should the parties desire a change in any of the [] dates, they should notify the court and seek an order changing those dates" (*Id.* at p. 3). Pursuant to the scheduling order, the parties filed a proposed agreed order asking the Court to set the pretrial disclosures, courtroom technology disclosures, motions in limine, and proposed jury instructions deadlines on February 10, 2006 (Court File No. 46, Part 2). The Court found the parties' proposal acceptable and entered an order adopting the previously mentioned deadlines (Court File No. 47).

On February 8, 2006 the parties filed a stipulation of additional time informing the Court the deadlines mentioned above were extended to February 15, 2006 (Court File No. 49). In doing so, the parties ignored the scheduling order requiring them to seek an order changing the dates. Further, the parties have attempted, without any authority from the Court, to change the very dates they had

recently chosen. If the parties needed until February 15, 2006 to file proposed jury instructions, motions in limine, pre-trial disclosures, disclosures of courtroom technology and content of electronic or digital materials, they should have originally requested the February 15th deadline or filed a motion to continue the February 10, 2006 deadline.

While the Court does not approve of parties' disregard for the Court's previous order, the Court is willing to give the parties the benefit of the doubt. Therefore, the parties are hereby **ORDERED** to file any proposed jury instructions, pre-trial disclosures, and disclosures of courtroom technology and content of electronic or digital materials on or before **FEBRUARY 16, 2006**. However, due to the close proximity to trial and due to the Court's limited resources and time, the parties are hereby **ORDERED** to file any motions in limine, on or before **FEBRUARY 10, 2006**.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE